

SOUTHERN DISTRICT OF NEW YORK

----- X
 IN RE: :
 FOSAMAX PRODUCTS LIABILITY LITIGATION : No. 06 MD 1789 (JFK)
 ----- :
 This document relates to all actions. : ORDER
 ----- X

John F. Keenan, United States District Judge:

In an Opinion and Order dated November 20, 2012, the Court entered a Lone Pine order as to plaintiffs who did not allege osteonecrosis of the jaw or osteomyelitis. The Court stated that "the failure to comply with the terms of this Order within the time periods prescribed by this Order may result in the dismissal of the delinquent plaintiffs' actions with prejudice." (Opinion and Order of Nov. 20, 2013 at 12.)

In Exhibit A, below, Merck has identified the Plaintiffs who have failed to provide the required reports, along with the individual civil action numbers, for the cases in which the surname of the first named Plaintiff begins with the letter J through R. In furtherance of the Lone Pine order, it is hereby ORDERED as follows:

1. If any plaintiff identified in Exhibit A does not provide the required information and documents within thirty (30) days of the date of entry of this Order, this Court, upon motion, may dismiss the delinquent plaintiff's action with prejudice and/or impose other sanctions, which may include monetary penalties,

based upon that plaintiff's willful failure to comply with the Court's discovery orders and/or inability to come forward with sufficient proof of his or her claim.

2. Dismissals made under this Order will dismiss the plaintiff's case in its entirety (as to all named defendants) and will be on the merits, with the intent that any further claim by a dismissed plaintiff arising as a consequence of his or her treatment with Fosamax shall be precluded.

3. The Court also may issue an injunction pursuant to the All Writs Act, 28 U.S.C. § 1651, enjoining plaintiffs and their counsel from re-filing in any court any claim or action so dismissed.

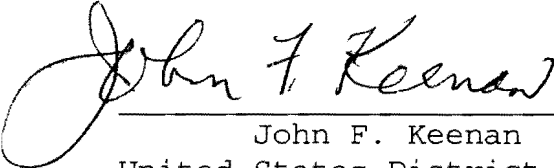
4. Any attorney who represents a plaintiff who has not served the required information and documents and as to whom a motion to dismiss has been made as provided herein, no later than twenty-one (21) days after the date thereof, shall provide a copy of this Order to that plaintiff and advise that plaintiff of the sanctions and/or judgment that may be imposed. Sanctions may be imposed upon any attorney who fails to notify his or her client as provided herein and the Court may bring such failure to the attention of disciplinary authorities in any state.

5. If counsel for any plaintiff identified in Exhibit A contends that he or she in fact has served the required information and documents, such counsel shall notify the Court and Defendants' Counsel of that fact within twenty-one (21) days of the date of entry of this Order, together with the date of such service and the name and address of the person upon whom it was served and, upon request, a copy of the necessary documents.

To the extent any of the above directives are in disagreement with the November 20, 2012 Opinion and Order, this Order shall govern.

SO ORDERED.

Dated: New York, New York
May 10, 2013



John F. Keenan
United States District Judge

EXHIBIT A

LONE PINE PLAINTIFFS WITH RESPONSES DUE 4/22/2013 AND NOT RECEIVED
(AMENDED 5/8/2013)

| Plaintiff Name | Case Name | Case Number | Plaintiff Counsel |
|---------------------------|---------------------------|--------------------|--|
| Yeager, Frances Jane | Krieger, Lydia Sue | 08-cv-4540 | Aaronson and Rash; Law Offices of Douglas M. Schmidt |
| Parrish, Mary E. | Parrish, Mary E. | 08-cv-4156 | Ashcraft & Gerel |
| Rodriguez-Saenz, Sonya | Rodriguez-Saenz, Sonya | 07-cv-9332 | Aylstock |
| Norton, Rickie | Norton, Rickie | 08-cv-9209 | Blizzard McCarthy Nabers |
| Lombardi, Barbara | Lombardi, Barbara | 10-cv-5282 | Carey Danis & Lowe |
| Pierce, Linda D. | Pierce, Linda | 10-cv-6401 | Carey Danis & Lowe |
| Ritter, Debra | Ritter, Debra | 11-cv-467 | Carey Danis & Lowe |
| Roller, Edith M. | Roller, Edith | 08-cv-10221 | Fleming & Associates |
| Rowell, Vivian | Rowell, Vivian | 12-cv-1164 | John Sileo; Kevin Riche; Kurt Offner |
| Riesen, Marilyn | Riesen, Marilyn | 09-cv-5474 | Kenny & Kenny |
| Mansell, Margaret | Mansell, Margaret | 09-cv-6949 | Miller Firm |
| Lewis, Rosemary | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Lily, Jane | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Lipinski, Mary Ann | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Lopez, Irma | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Lozano, Alicia | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Lucero, Isabelle | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Luczak, Sandra | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Luedeman, Jayne | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Lugo, Teresa | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |

| Plaintiff Name | Case Name | Case Number | Plaintiff Counsel |
|-----------------------|------------------|--------------------|---------------------------|
| Lumsden, Nancy | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| MacMullen, Linda | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Maldonado, Rosaline | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Marquez, Neida | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Martin, Florence | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Martin, Frank | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Mastorakos, Mary Lou | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| McCuistion, Fred | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| McGee, Jacquelyn | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| McLoughlin, Geri | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Mitchell, Anita | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Mitchell, Lisa | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Mitchell, Tonya Lynn | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Moholt, Marlys | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Montgomery, Monica | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Montijo, Julie | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Mosley, Ruth | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Mozingo, Krystyna | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Narvey, Grace | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Neisinger, Naomi | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Nelson, Laura | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Nunez, Lupe | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |

| Plaintiff Name | Case Name | Case Number | Plaintiff Counsel |
|-----------------------|------------------|--------------------|---------------------------|
| O'Connell, Donna | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Oliver, Kathleen | Martin, Frank | 07-cv-9483 | Phillips Webster (Finson) |
| Penn, Judy | Morris, Edward | 07-cv-1320 | Phillips Webster (Finson) |
| Tracy, Helen | Morris, Edward | 07-cv-1320 | Phillips Webster (Finson) |
| Folsom, Gloria | Moyer, Lawrence | 07-cv-7987 | Phillips Webster (Finson) |
| Tehee, Jeannine | Moyer, Lawrence | 07-cv-7987 | Phillips Webster (Finson) |
| McCormick, Nancy M. | McCormick, Nancy | 07-cv-6761 | Reich & Binstock |
| Moore, Shirley | Moore, Shirley | 07-cv-6747 | Reich & Binstock |
| Plyler, Linda | Pylar, Linda | 07-cv-6744 | Reich & Binstock |
| Miller, Ruby | Miller, Ruby | 07-cv-6748 | Reich & Binstock |
| Ladd, Diana | Ladd, Diana | 10-cv-648 | The Miller Firm |